



Entered on Docket
April 01, 2010

A handwritten signature in black ink, reading "Bruce A. Markell".

Hon. Bruce A. Markell
United States Bankruptcy Judge

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Deutsche Bank National Trust Company, as Trustee for Morgan Stanley, MSAC 2007-HE5
09-71757

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

Mindy Spears

Debtor.

Bk Case No.: 10-14450-bam

ORDER
RE EX PARTE APPLICATION FOR AN
ORDER PURSUANT TO 362 (4) (A) (i)

Chapter 7

ORDER VACATING AUTOMATIC STAY

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Secured Creditor respectfully requests an order from the Court confirming that the Automatic Stay never arose as to Secured Creditor and that Secured Creditor may proceed with collection on the note, including but not limited to foreclosure and an action to recover possession of the subject property, further described herein for all purposes as to Secured Creditor Deutsche Bank National Trust Company, as Trustee for Morgan Stanley, MSAC 2007-HE5, its assignees and/or successors in interest, of the subject property, generally described as 3008 Periscope Court, Las Vegas, NV 89117, and legally described as follows:

PARCEL ONE:

LOT 80 IN BLOCK 3 OF THE BLUFFS UNIT 11C AS SHOWN BY MAP THEREOF ON FILE IN BOOK 41 OF PLATS, PAGE 68, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA AND AS AMENDED BY CERTIFICATE OF AMENDMENT RECORDED APRIL 24, 1989 IN BOOK 890424 AS DOCUMENT NO. 00556, IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA.

PARCEL TWO:

A NON-EXCLUSIVE EASEMENT ON AND OVER THE "COMMON AREA" AS DEFINED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS TO WHICH REFERENCE IS HEREAFTER MADE FOR ACCESS, USE, OCCUPANCY, ENJOYMENT, INGRESS AND EGRESS OF THE AMENITIES LOCATED THEREON SUBJECT TO THE TERMS AND PROVISIONS OF SAID DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED JANUARY 20, 1987 IN BOOK 870120 AS DOCUMENT NO. 00088. THE COMMON AREA IS FOR THE USE OF OWNERS OF LOTS WHICH ARE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND IS NOT FOR THE USE OF THE GENERAL PUBLIC.

IT IS SO ORDERED

Submitted by:

WILDE & ASSOCIATES

By: /s/Gregory L. Wilde, Esq

Gregory L. Wilde, Esq.

Attorney for Secured Creditor

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